



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 23 July 2004

EXPIRATION DATE: 23 August 2004

REFERENCE NUMBER: POA-1997-43-N

WATERWAY NUMBER: Taiya Inlet 31

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: City of Skagway, Post Office Box 415, Skagway Alaska, 99840

LOCATION: Skagway Small Boat Harbor, section 11, 12 & 14, Township 28 South, Range 59 East, Copper River Meridian, Skagway, Alaska. [Latitude 56° 26.95", Longitude 135° 19.16"]

PURPOSE: The purpose of the work is to: dredge specific areas to prevent floating dock groundings; remove deteriorated structures and construct new ones; create fast land for parking and pedestrian use.

WORK:

DREDGING AND EXCAVATION

Dredge up to 3,000 cubic yards of material from two areas to accomplish a depth of -8 feet, Mean Low Low Water [MLLW, datum elevation 0 feet) per the attached drawings. The north area including side slopes is an approximate area of 4,670 square feet (0.11 acres). The south area including side slopes is an approximate area of 10,840 square feet (0.25 acres).

Remove from within a 210-foot by 25-foot area approximately 700 cubic yards of riprap material from waterward of the High Tide Line and above [near the boat grid and trestle (pier)]. Material would be stock piled and reused as riprap along another portion of the proposed project.

STRUCTURES:

Place 870 linear feet of steel sheet piling to construct a new seawall facing of the southeast harbor (including boat grid area). Construction would also include the placement of a guardrail over the piling.

Place 160 linear feet of steel sheet piling at the proposed toe of riprap near the south end of the harbor.

Place 135 linear feet of steel sheet piling at the north end of the harbor under the ramp access and then along the proposed toe of riprap.

South End Of Harbor:

Remove existing 110-foot timber trestle (pier) access and wood ramp. Construct a new 85-foot long by 12-foot wide timber decking and steel piling pier. Relocate the existing 130-foot long by 4 foot steel access ramp. Place a 48-foot by 12-foot timber and metal floating dock for the ramp landing.

Remove old and install new associated pilings as needed.

Remove an 80-foot by 3-foot catwalk adjacent to the Boat Grid and replace it with a 74-foot by 5-foot steel catwalk.

DISCHARGE OF DREDGED AND/OR FILL MATERIALS

The proposed project area below the HTL to the toe of the Armor Rock slope (i.e., dotted area) is approximately 60,800 square feet (1.4 acres). The proposed fast land area to be gained (i.e., between HTL and new seawall) is approximately 39,100 square feet (0.9 acres).

Discharge up to 19,800 cubic yards of clean fill materials (shot rock, cobble, gravel and sand) landward of the proposed steel sheet piling to an elevation of approximately +28 feet MLLW.

Discharge up to 3,000 cubic yards of dredged materials as fill material landward of the constructed steel sheet-piling seawall.

Discharge 4,700 cubic yards of clean fill materials at the base of the steel sheet-piling wall to provide toe stabilization.

Discharge an additional 2,000 cubic yards of clean and/or previously dredged/excavated riprap materials.

ADDITIONAL INFORMATION:

The agent for the proposed work is Tryck Nyman Hayes, Inc. 911 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501, POC Kimberly Nielsen (907) 279-0543.

Required testing of the dredge materials for DA requirements has not been fully completed.

The applicant has indicated the proposed dredging would be accomplished with a clamshell operation from either side of the proposed steel sheet piling. The applicant has not determined a method to contain suspended sediments from the work area for fill and dredging purposes.

The proposed work would also replace fuel and power lines that are fastened to the southerly access pier.

MITIGATION: The applicant has not proposed mitigation for the loss of 0.9 acres of aquatic environment. There may be an opportunity to work with the Taiya Inlet Watershed Council to improve fish access and riparian habitat along Pullen Creek.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal

Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant-foots certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are numerous registered or eligible properties in the general vicinity of the worksite. None have been identified within the harbor area. However, the harbor area is within the designated **Skagway and White Pass District, National Historic Landmark NHL No. 6600943**. Because the project area is within a designated National Historic Landmark, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO) and the National Park Service will be consulted. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council-foots Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity may adversely affect EFH. The proposed work may affect approximately 9 acres of EFH for juvenile/adult salmon. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans. The applicant has indicated they would comply with timing windows to minimize impacts to salmon fisheries.

SPECIAL AREA DESIGNATION: The project is located within the proximity of the Klondike Gold Rush National Historical Park and within the Skagway and White Pass District, National Historic Landmark.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency-404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. John Klutz at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by email at john.r.klutz@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

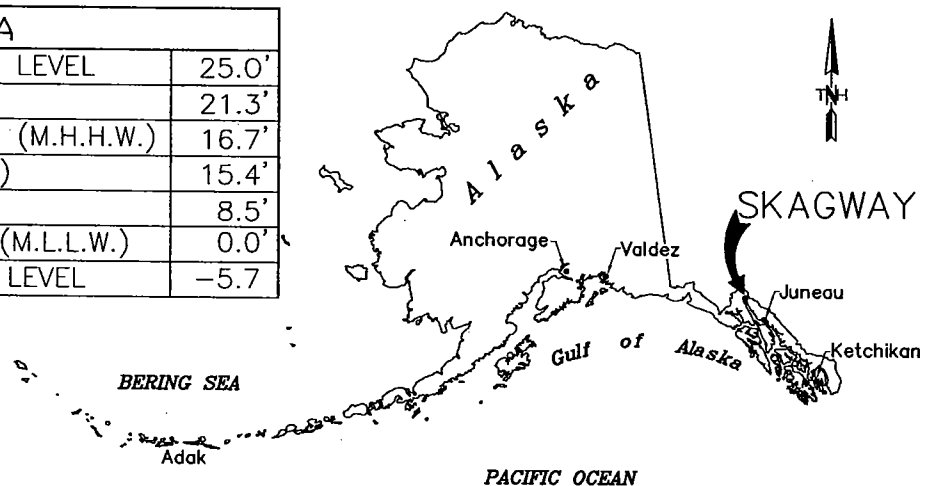
(Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

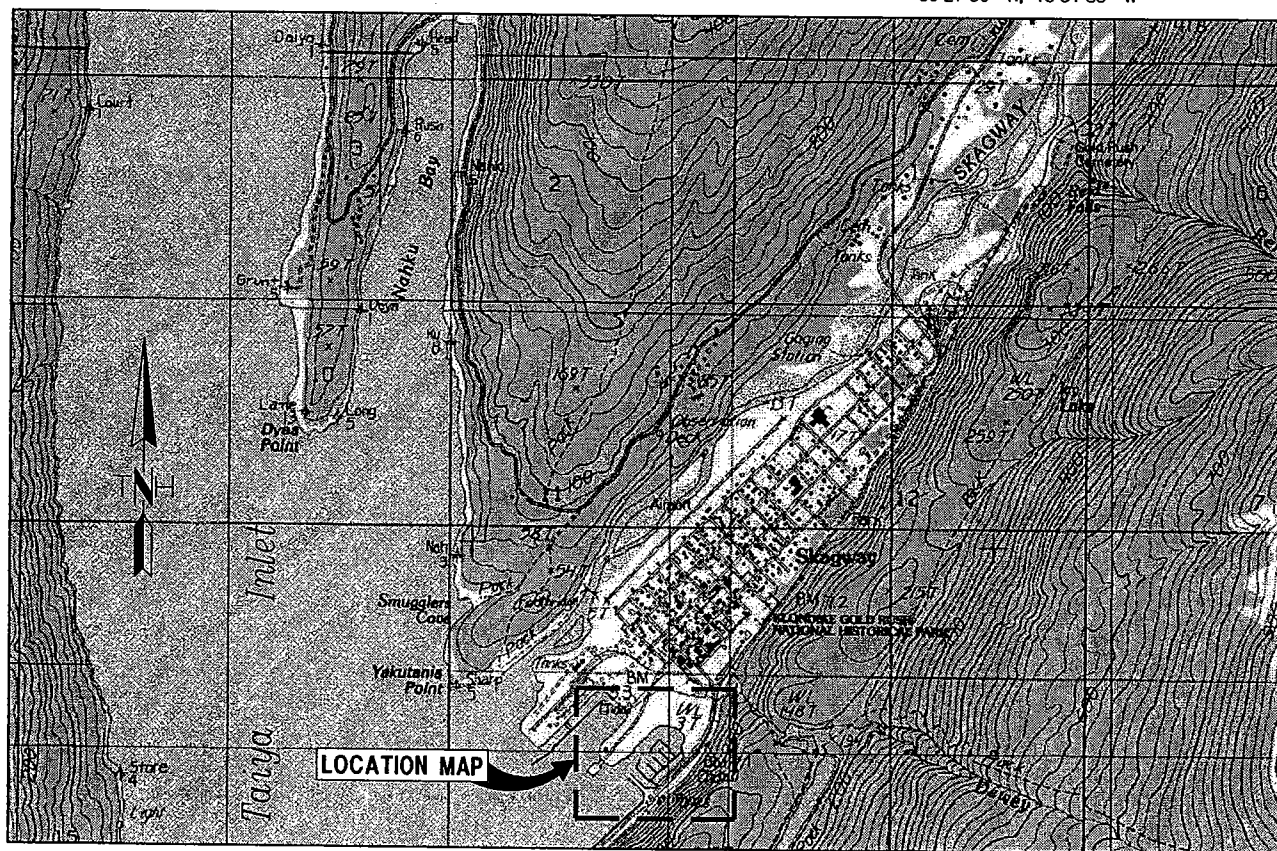
District Engineer
U.S. Army, Corps of Engineers

Attachments

TIDAL DATA	
HIGHEST OBSERVED WATER LEVEL	25.0'
HIGH TIDE LINE (H.T.L.)	21.3'
MEAN HIGHER HIGH WATER (M.H.H.W.)	16.7'
MEAN HIGH WATER (M.H.W.)	15.4'
MEAN TIDE LINE (M.T.L.)	8.5'
MEAN LOWER LOW WATER (M.L.L.W.)	0.0'
LOWEST OBSERVED WATER LEVEL	-5.7'



APPROXIMATE LATITUDE & LONGITUDE:
59°27'30" N, 13°51'85" W



PURPOSE:
SEAWALL CONSTRUCTION

PERMIT:

DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:

UPLANDS: CITY OF SKAGWAY

OFFSHORE: STATE OF ALASKA

VICINITY MAP



SCALE: N.T.S.

CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

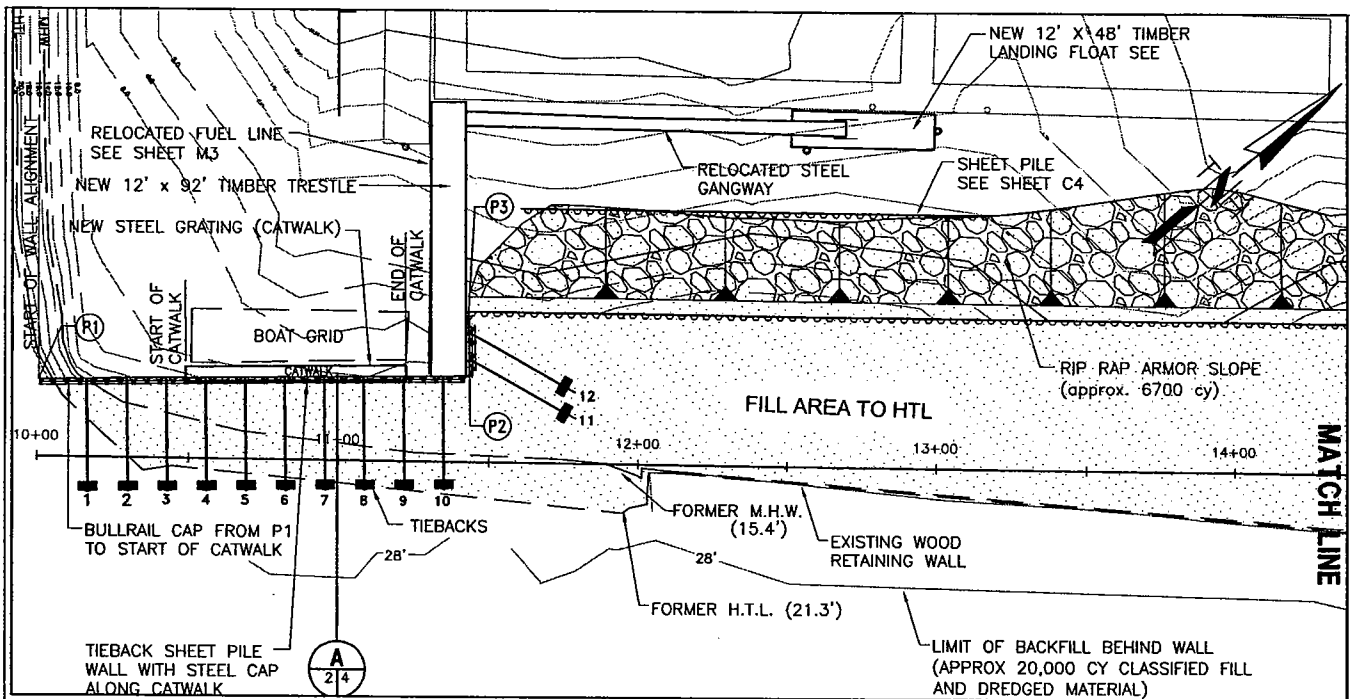
SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
AT: SKAGWAY, ALASKA

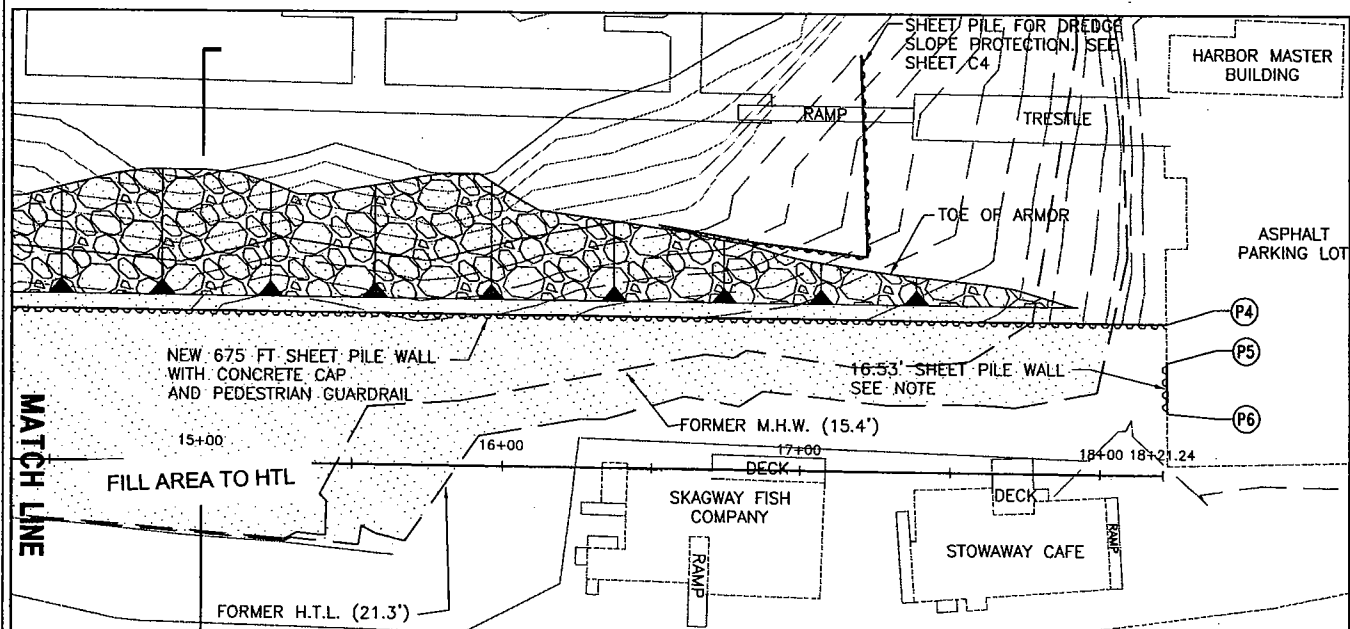
APPLICATION BY:
CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

POA-1997-43-N, Taiya Inlet 31

SHEET: 1 OF 7 DATE: 07/14/04



SEAWALL PLAN (SOUTH)



SEAWALL PLAN (NORTH)

PURPOSE:
SEAWALL/SEAWALK CONSTRUCTION

PERMIT:

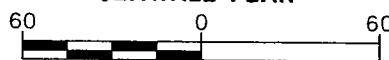
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:

UPLANDS: CITY OF SKAGWAY

OFFSHORE: STATE OF ALASKA

SEAWALL PLAN



SCALE: 1"=60'

CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
AT: SKAGWAY, ALASKA

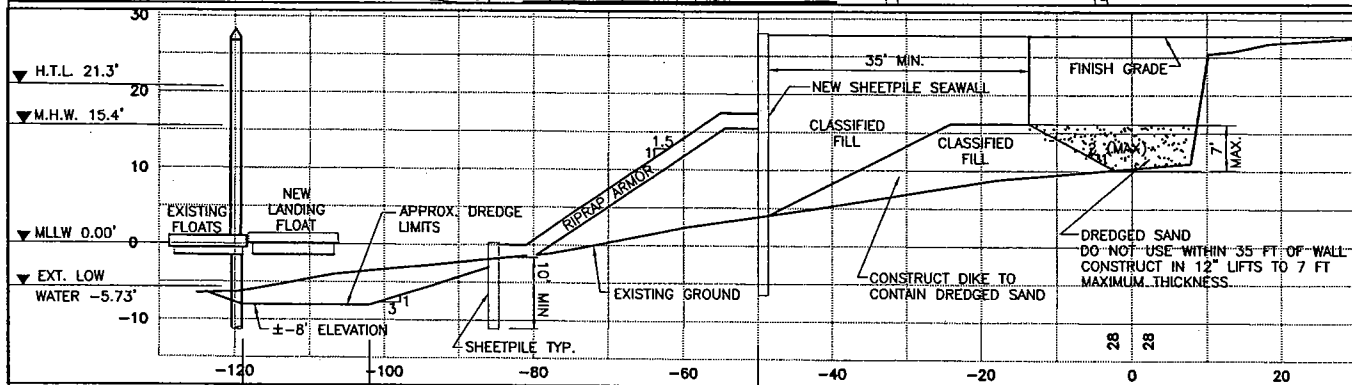
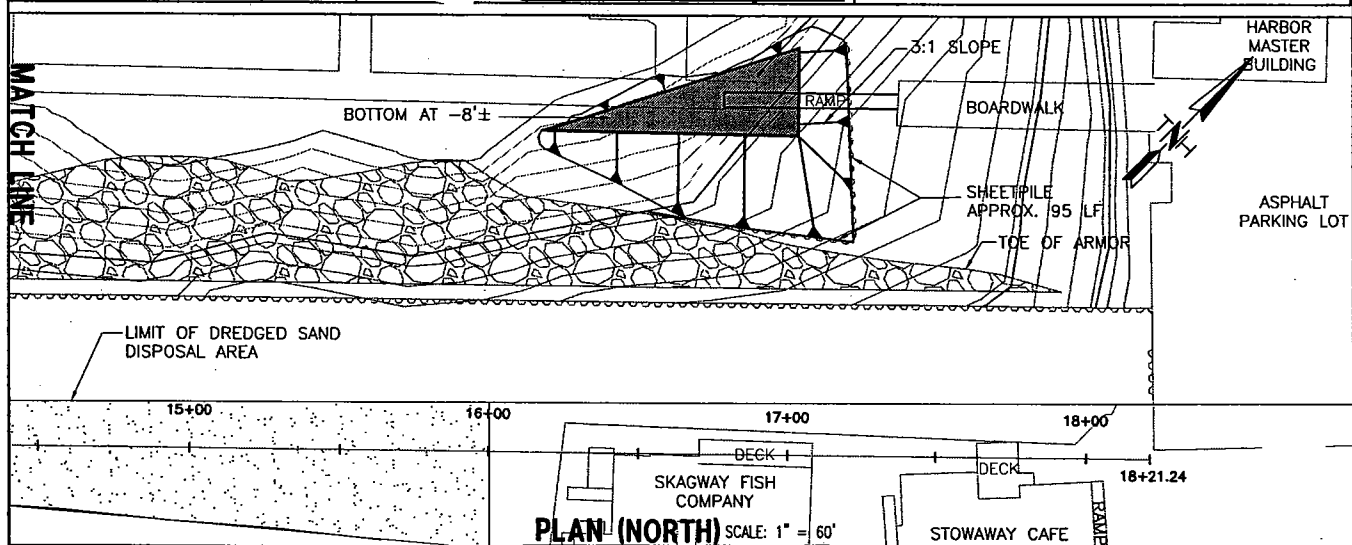
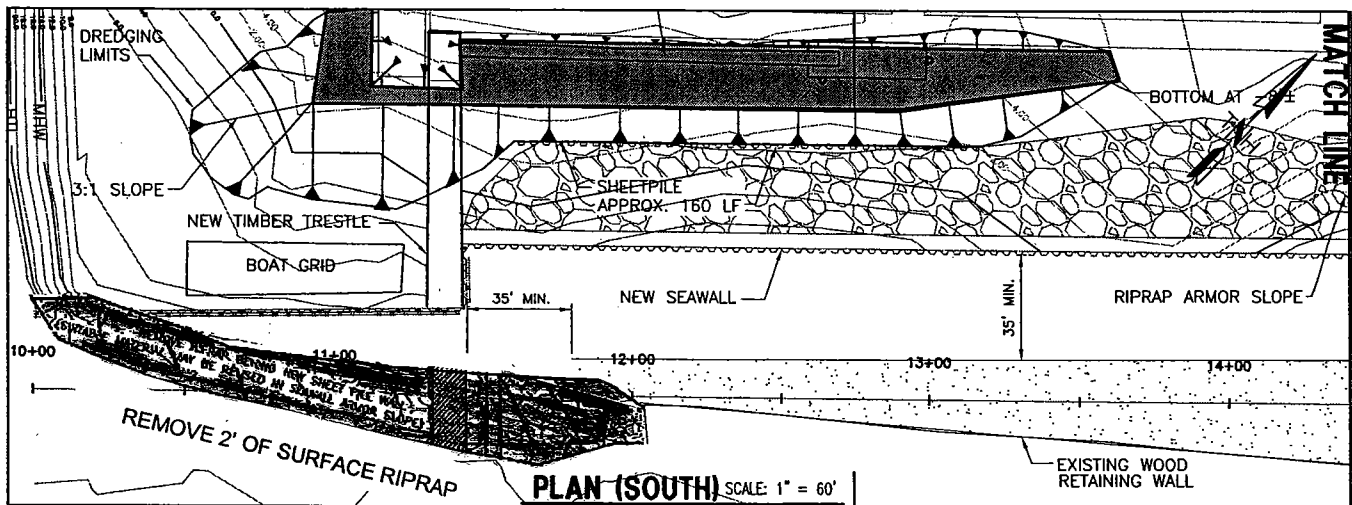
APPLICATION BY:
CITY OF SKAGWAY

P.O. BOX 415

SKAGWAY, ALASKA

POA-1997-43-N, Taiya Inlet 31

SHEET: 2 OF 7 DATE: 07/15/04



PURPOSE:
SEAWALL CONSTRUCTION

PERMIT:

DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF SKAGWAY
OFFSHORE: TIDELANDS=CITY

DREDGING PLAN



SCALE: N.T.S.

CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

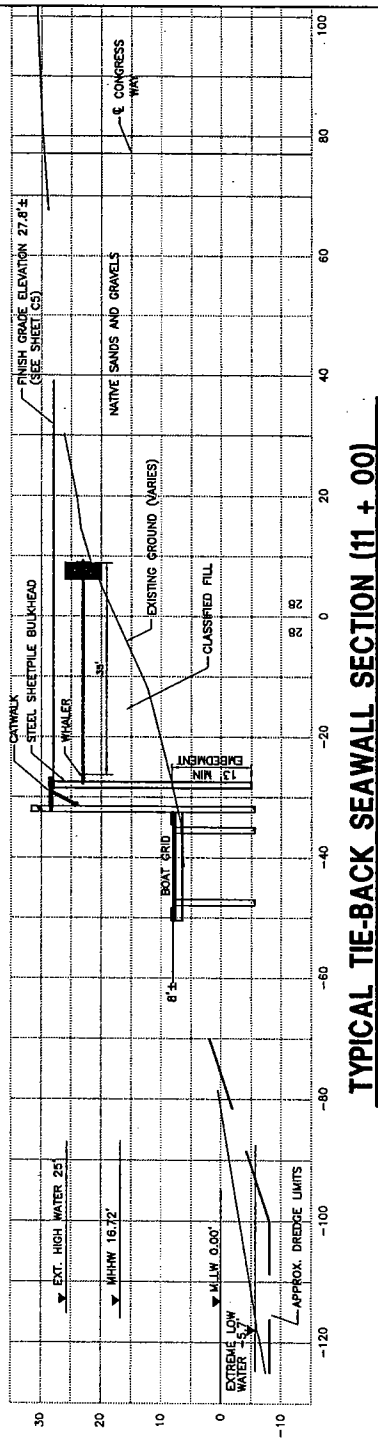
SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
AT: SKAGWAY, ALASKA

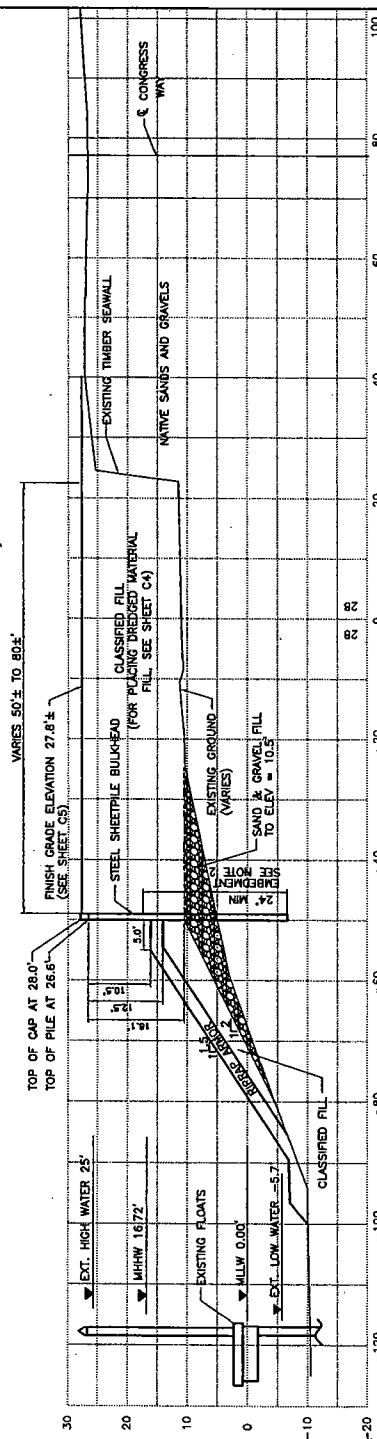
APPLICATION BY:
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POA-1997-43-N, Taiya Inlet 31

SHEET: 3 OF 7 DATE: 07/14/04



TYPICAL TIE-BACK SEAWALL SECTION (11 + 00)



TYPICAL CANTILEVER SEAWALL SECTION (15 + 00)

PURPOSE:
SEAWALL/SEAWALK CONSTRUCTION

PERMIT:

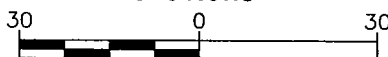
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:

UPLANDS: CITY OF SKAGWAY

OFFSHORE: TIDELANDS=CITY

SECTIONS



CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

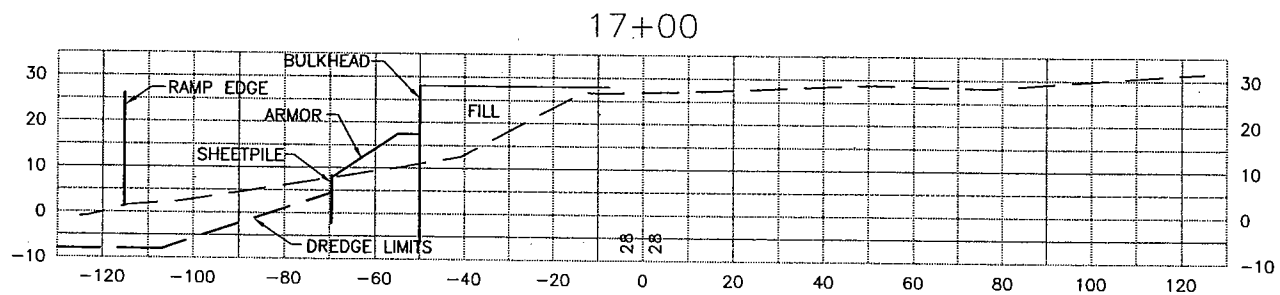
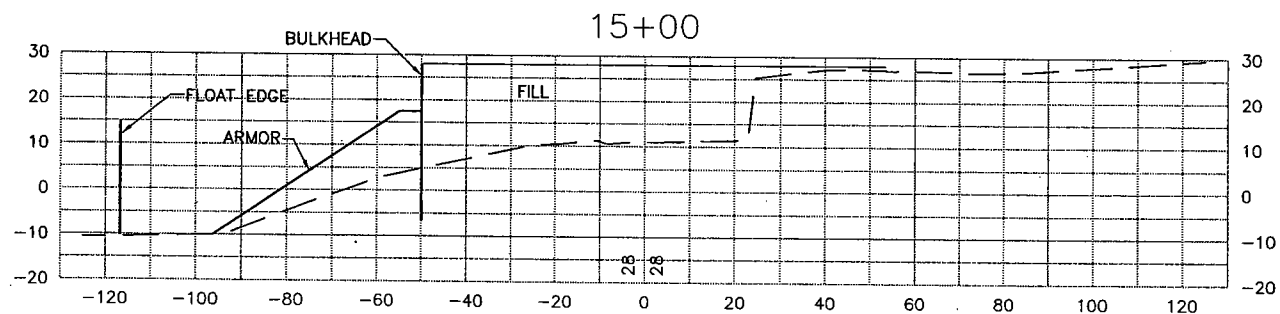
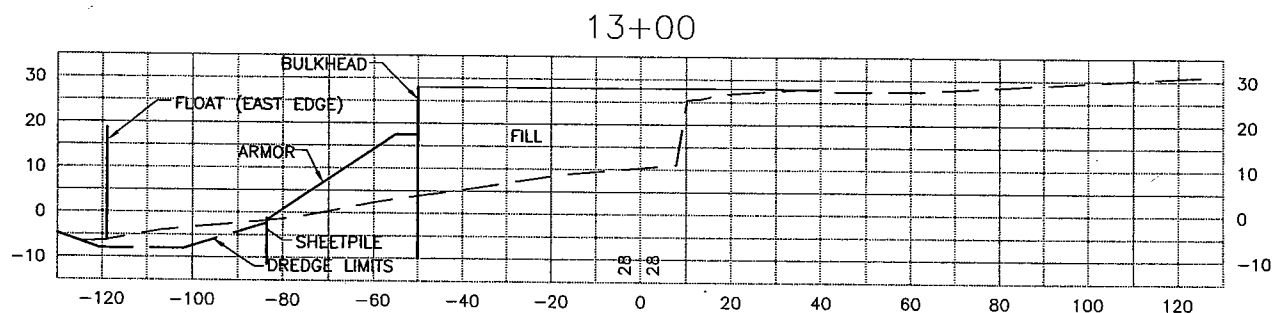
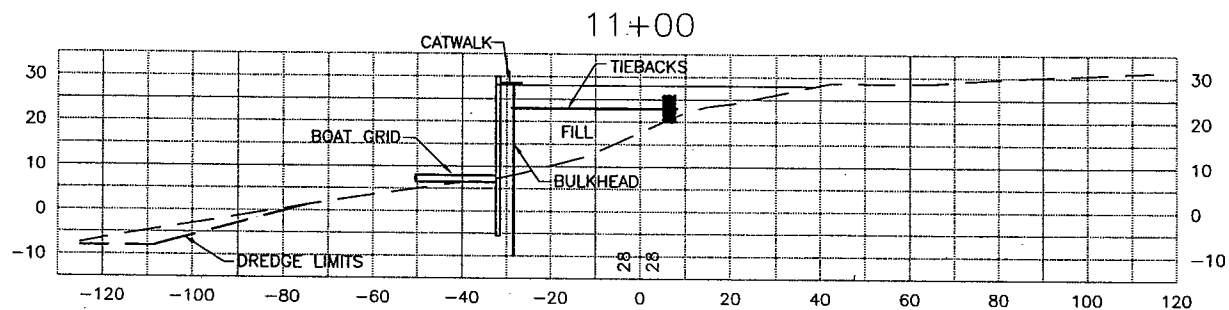
SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
AT: SKAGWAY, ALASKA

APPLICATION BY:
CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

POA-1997-43-N, Taiya Inlet 31

SHEET: 4 OF 7 DATE: 07/14/04



PURPOSE:
SEAWALL/SEAWALK CONSTRUCTION

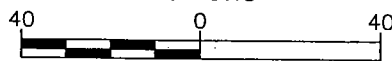
PERMIT:

DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:

UPLANDS: CITY OF SKAGWAY
OFFSHORE: STATE OF ALASKA

SECTIONS



SCALE: 1"=40'

CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

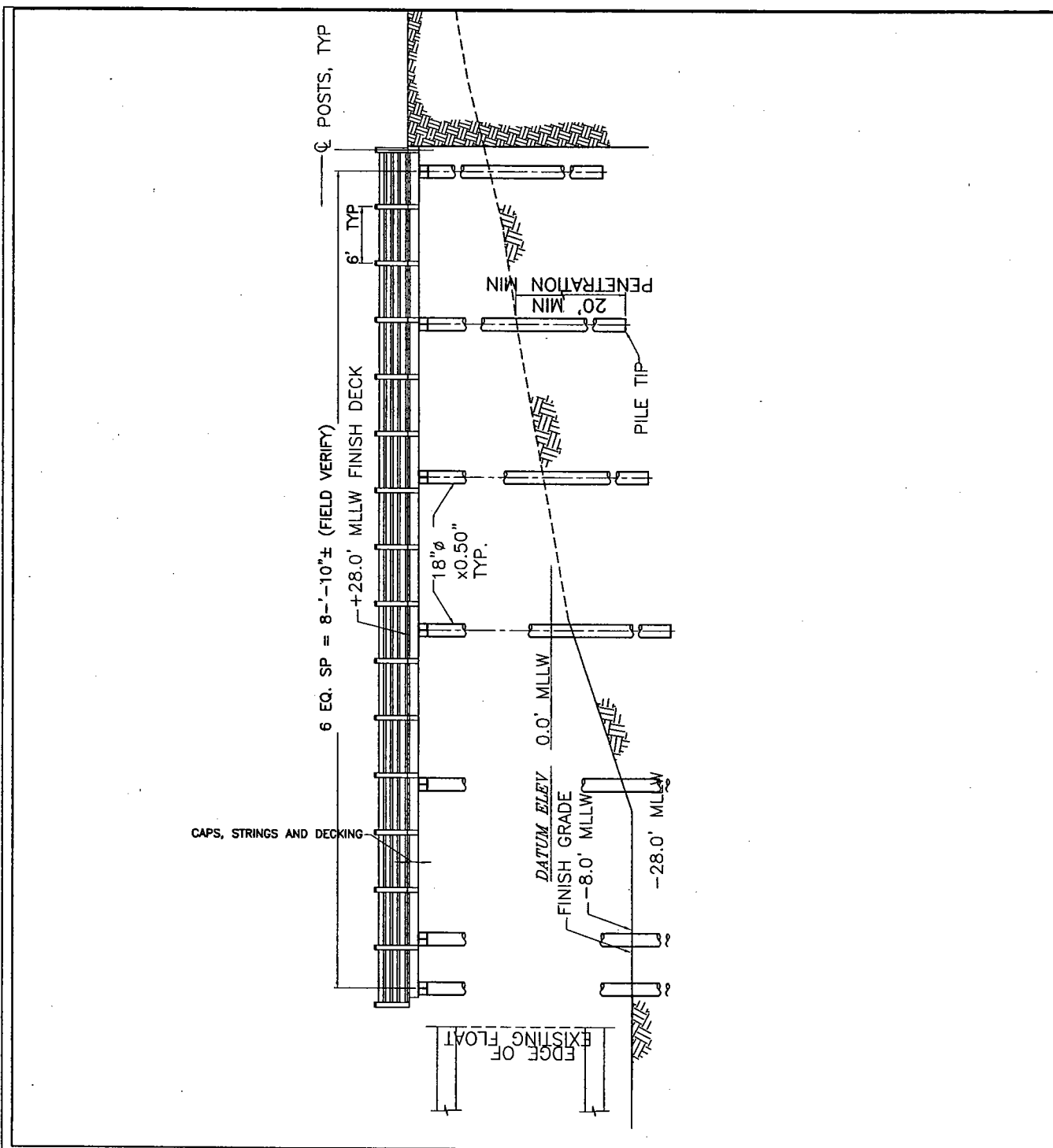
SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
AT: SKAGWAY, ALASKA

APPLICATION BY:
CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

POA-1997-43-N, Taiya Inlet 31

SHEET: 5 OF 7 DATE: 07/15/04



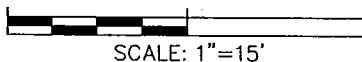
PURPOSE:
SEAWALL CONSTRUCTION

PERMIT:

DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF SKAGWAY
OFFSHORE: STATE OF ALASKA

APPROACH ELEVATION



CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

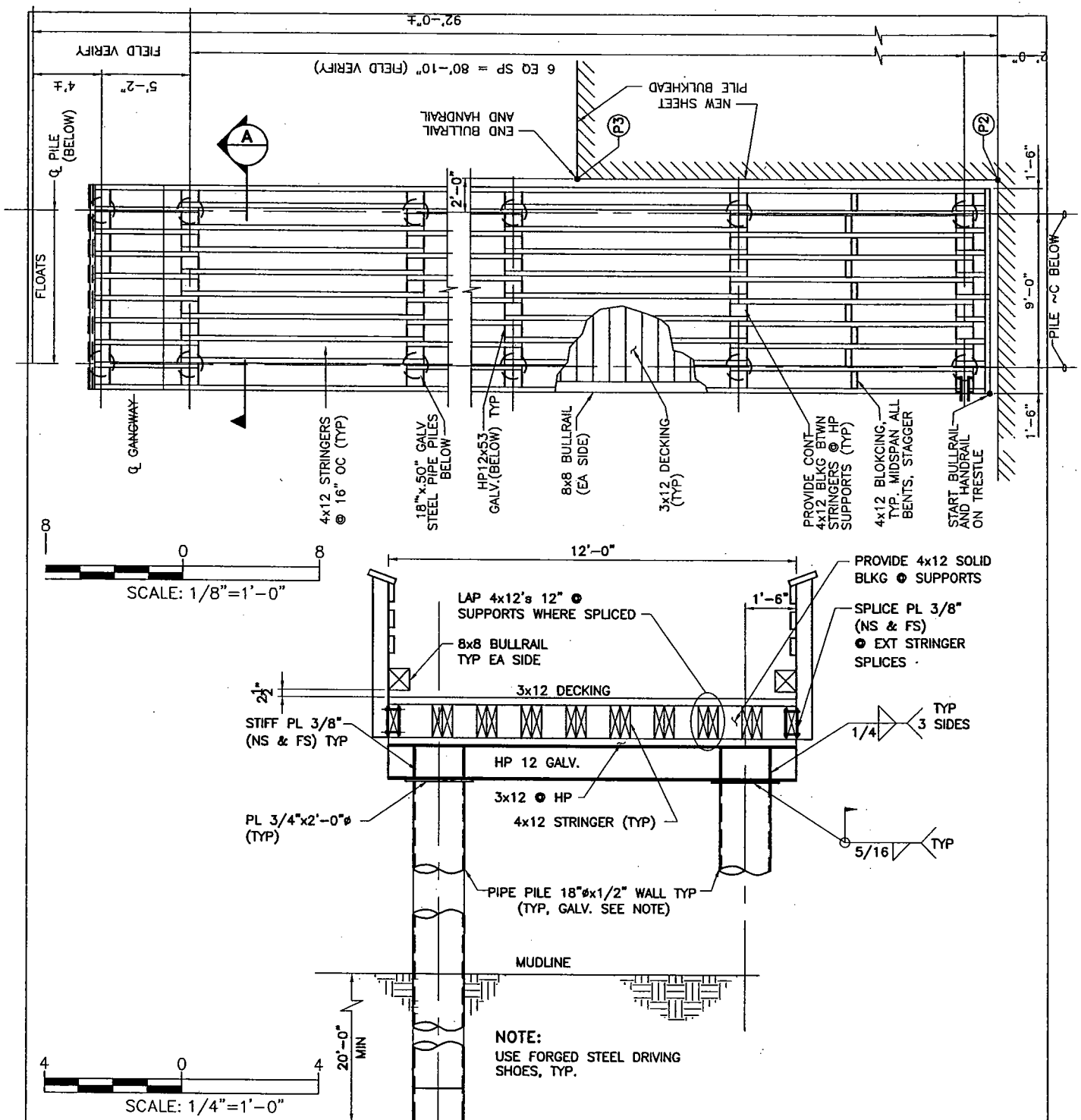
SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
AT: SKAGWAY, ALASKA

APPLICATION BY:
CITY OF SKAGWAY
P.O. BOX 415
SKAGWAY, ALASKA

POA-1997-43-N, Taiya Inlet 31

SHEET: 6 OF 7 DATE: 07/14/04



PURPOSE:
SEAWALL CONSTRUCTION

PERMIT:

DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
 UPLANDS: CITY OF SKAGWAY
 OFFSHORE: TIDELANDS=CITY

TRESTLE PLAN AND SECTION



SCALE: AS SHOWN

CITY OF SKAGWAY
 P.O. BOX 415
 SKAGWAY, ALASKA

SKAGWAY SEAWALL/SEAWALK

IN: SMALL BOAT HARBOR
 AT: SKAGWAY, ALASKA

APPLICATION BY:
 CITY OF SKAGWAY
 P.O. BOX 415
 SKAGWAY, ALASKA

POA-1997-43-N, Taiya Inlet 31

SHEET: 7 OF 7 DATE: 07/14/04

FRANK H. MURKOWSKI,
GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-1997-43-N, Taiya Inlet 31**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1997-43-N, Taiya Inlet 31**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274